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6 IN THE UNITED STATES DISTRICT COURT  
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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10 GERARDO HERNANDEZ,

No. C 12-03257 WHA

11 Plaintiff,

12 v.

**ORDER RE CONSENT DECREE  
AND PROPOSED ORDER**

13 TAQUERIA EL GRULLENSE; JUAN  
14 FRANCISCO GAMEZ GARCIA dba  
15 TAQUERIA EL GRULLENSE; OSCAR PANG-  
16 CHENG LIU; CHUCHING KUO LIU; OSCAR  
PANGCHENG LIU AND CHU-CHING KUO  
LIU, Co-Trustees for the Liu Family Trust, dated  
September 26, 2008; and DOES 1-10, Inclusive,

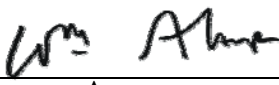
17 Defendants.  
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19 In this action brought under the Americans with Disabilities Act, the parties have  
20 submitted a consent decree and proposed order, captioned “consent decree and [proposed] order  
21 as to injunctive relief and damages only.” The consent decree provides for defendants to make  
22 certain modifications to the facility in question, including modifications that are not set to be  
23 completed until December 2013. It further states that “the Parties have not reached any  
24 agreement regarding Plaintiff’s claims for damages, attorneys’ fees, litigation expenses, and  
25 costs. These matters will be the subject of future negotiation or litigation as necessary. The  
26 Parties jointly stipulate and request that the Court not dismiss the case in its entirety as  
27 these issues remain unresolved.” The consent decree also does not appear to address defendants  
28 and cross-claimants’ claims against Rafael Guerrero, Juan Francisco Gamez Garcia, and  
Taqueria El Grullense.

1 The parties proposed consent decree and order is premature and incomplete.  
2 Accordingly, the proposed order is **DENIED WITHOUT PREJUDICE**.

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4 **IT IS SO ORDERED.**

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6 Dated: April 22, 2013.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE